

Beth Pletsky, Plaintiff

By her attorneys  
Shelton Law Group, LLC  
3 Grant Sq – No 363  
Hinsdale, Illinois 60521  
ARDC No 6191197

THE U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Beth Pletsky,

Plaintiff,

vs.

ROBERT GUERRIERI,  
In his individual and official capacities

&

JOHN DOES, 1-6  
In their individual and official capacities

JANE DOES, 1-4  
In their individual and official capacities

Defendants

CASE NO. 1:13-cv-2398

JUDGE: Sharon Johnson Coleman

PLAINTIFF'S REQUEST FOR ENTRY  
OF DEFAULT; EXHIBITS A & B

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

COMES NOW, Plaintiff Beth Pletsky by and through her attorneys of record, who hereby moves this honorable Court to grant the default against the named and known Defendants and each of them who being duly served upon them and/or their duly appointed designees, have willfully failed and refused to answer and/or defend against this instant action.

A. INTRODUCTION

1. Plaintiff is Beth Pletsky; known Defendants are ROBERT GUERRIERI in his individual capacity and in his official capacity.
2. Plaintiff sued the defendants for 42 U.S.C. §1983 (Civil Action for Deprivation of Rights) as well as a state tort variety.

- 1 3. On April 1, 2013, plaintiff filed the complaint with the Court. On April 13, 2013, defendant  
2 Robert Guerrieri was served with a summons and a copy of plaintiff's complaint by certified  
3 mail, return receipt requested, and on May 31, 2013, by personal service. A copy of the return  
4 of services are attached as **Exhibit A and B**. Defendant did not file a responsive pleading or  
5 otherwise defend the suit.

6 **B. MEMORANDUM; DEFENDANTS ARE REFUSING TO ANSWER OR**  
7 **OTHERWISE DEFEND SUIT**

- 8  
9 4. A court may render a default judgment against a party who has not filed a responsive  
10 pleading or otherwise defended the suit. *See* Fed. R. Civ. P. 55(a), (b)(2); *United States v.*  
11 *\$23,000 in U.S. Currency*, 356 F.3d 157, 163-64 (1st Cir. 2004). 'Court is empowered to enter  
12 default judgment against defendant who fails to defend its case.' *Flynn v. Williams Masonry*,  
13 D.D.C.2005, 233 F.R.D. 176.  
14 5. In the instant case the Defendants have not filed a responsive pleading within 21 days after  
15 the complaint was served personally on May 31, 2013, the latest date of service. Fed. R. Civ.  
16 P. 12(a)(1)(A)(i). See a true and correct copy of the summons and complaint are fully  
17 incorporated herein and attached hereto as **Exhibits A and B**.  
18 6. Although a default judgment is a severe sanction<sup>1</sup>, the status of this case ensures it is proper  
19 for a default judgment against the Defendants. Also it should be noted that the extreme  
20 sanction of judgment by default, although most severe, is within the discretion of the trial  
21 judge. *Trans World Airlines, Inc. v. Hughes*, 332 F.2d 602, 614 (2d Cir. 1964); *Gill v. Stollow*,  
22 240 F.2d 669, 670 (2d Cir. 1957); 8 *C. Wright & A. Miller, Federal Practice & Procedure* §  
23 2284 (1970).  
24 7. Plaintiff also certifies that the Defendants are not infants and/or incompetent persons.

25 **CONCLUSION**

26 **Wherefore**, because of the foregoing and based on the attachments to this memorandum the  
27 Court should grant this default against the Defendants because they refuse to answer, respond or  
28 otherwise defend this suit.

<sup>1</sup> *H. F. Livermore Corp. v. Aktiengesellschaft Gebrüder Loepfe*, 432 F.2d 689 (D.C. Cir. 1970)

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**s/PAUL L. SHELTON**

Original Signature

Beth Pletsky *In Proper Person*

By her attorneys  
Shelton Law Group, LLC  
700 East Ogden Avenue, #101  
Westmont, Illinois 60559-1283  
ARDC No 6191197



DECLARATION UNDER PENALTY OF PERJURY

I am one of the attorneys for Plaintiff in the instant case, Beth Pletsky v. ROBERT GUERRIERI et al, case no 1:13-cv-2398.

Attached hereto are true and correct copies of the Summons, and proof of service therefore, Exhibits A and B.

In the instant case the Defendants have not filed a responsive pleading within 21 days after the complaint was served upon them.

I am aware of no reply whatsoever by the Defendants.

I declare under penalty of perjury that all of the foregoing is true and correct to the best of my knowledge.

EXECUTED on June 21, 2013.



Paul L. Shelton